



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,000	05/31/2007	Masao Nakagawa	KAK-0019	2109
23353 7590 02/02/2010 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
ELHAG, MAGDI				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
02/02/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,000

Applicant(s)

NAKAGAWA, MASAO

Examiner

MAGDI ELHAG

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/22/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-852)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 08/01/2006, 05/31/2007 & 10/10/2007

DETAILED ACTION

This office action is in response to the application's communication filed on 12/22/2009 in response to the Election/ Restriction requirements filed on 12/04/2009. **In virtue of this communication, claims 2 and 3 have been amended to depend from elected claim 1 and, thereby, the restriction requirement is withdrawn. Claims 1-3 are currently pending in this office action.**

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) and for PCT priority under 35 U.S.C. 371.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 08/01/2006, 05/31/2007 and 10/10/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Drawings

3. The drawings were received on 08/01/2006. These drawings are reviewed and accepted by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leeb (US 6426599 B1).

5. Considering claim 1, Leeb teaches " an illuminating device" (FIG.1 element 18, abstract, Col. 3 lines 35-55, Col. 3 line 65 to Col. 4 line 10 a lamp for generating visible light capable of providing illumination and transmitting data to a receiver), comprising **"information unit** configured to generate data and a modulator configured to modulate an electronic signal on a power line based on the data from the information unit" (FIG. 1 **power line carrier modem** as data input; Col. 12 lines 13-20); "a lighting unit configured to generate illuminative light from the electronic signal modulated based on information data" (FIG.1 element 18; FIGS 2,4 modulation circuitry; abstract; Col. 3 lines 35-55; Col. 3 line 65 to Col. 4 line 10); Leeb further teaches the information data can includes location information (Col. 12 line3-5), therefore position data unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leeb in view of Reelee, et al. (US 5893037 A), hereinafter Reelee.
7. Considering claim 2 as applied to claim 1 above, Leeb further teaches “a light receiving unit configured to receive the illuminative light modulated based on position data” (FIG. 10, Col. 10 lines 51-65 a portable device including a receive circuit to **detect** and decode the **modulated lamp light**); “a position detector configured to detect position data from the light receiving unit where **received information** is displayed on a liquid-crystal display of the device” (Col. 10 lines 51-65 **decode** the modulated lamp light. Leeb is silent in teaching the portable device is a cellular phone having a processing unit configured to transmit detected position data from a transmitter/receiver of the device. However in an analogous art, Reelee teaches a camera coupled to a cellular phone wherein the camera’s **lens unit images scene light onto an electronic image sensor which generates an analog output signal that is supplied to a analog-to-digital (A/D) converter which in turn converts the analog output signal into a digital signal that is supplied to image processing circuitry to**

provide digital image signal that can be stored in memory or transmitted by the cellular device to a remote location (Abstract, FIG. 3 and Col.3 lines 16-35).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to modify Leeb by coupling a camera or other light sensing device to a cellular phone so as to transmit digital image signal to remote location (Abstract).

8. Considering claim 3 as applied to claim 2 above, Leeb in view of Reelee further teaches "the light receiving unit is a camera embedded in the portable device" (Reelee, Abstract, FIGS. 3-4, Col 3 lines 16).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAGDI ELHAG whose telephone number is (571)270-3187. The examiner can normally be reached on Monday to Friday 9:30 to 6:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kent Chang can be reached on 571-2727667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAGDI ELHAG
Examiner
Art Unit 2617

/Kent Chang/

Supervisory Patent Examiner, Art Unit 2617